



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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January 5, 2011

Via ECF

Honorable Steven M. Gold
United States Chief Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Adrian Wright v. City of New York, et al., 10 CV 3220 (KAM)(SMG)

Dear Magistrate Judge Gold:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendants City of New York, Singh, Avila and Baronette. I write jointly, on behalf of the parties, after conferral with plaintiff's counsel, Darius Wadia, Esq., to respectfully request that the Court endorse the enclosed "So Ordered Subpoenas" for plaintiff's medical records and for a 30 day adjournment of the Settlement Conference currently scheduled for January 11, 2011, at 10:00 a.m. This is the first request made by this office for an adjournment of the Settlement Conference in this action.

By way of background, the complaint alleges, *inter alia*, that the plaintiff was falsely arrested/imprisoned and subjected to excessive force and malicious prosecution. The parties appeared at an Initial Conference before Your Honor on November 15, 2010, and a discovery schedule was set and a Settlement Conference was scheduled for January 11, 2011. After releases were provided, requests were made for plaintiff's medical records from Brookdale University Hospital and Kings County Hospital on December 1, 2010. However, no records have been received to date. Given that a settlement conference in this matter is scheduled for January 11, 2011, and the medical records are necessary to formulate defendant's position, we ask for the Court's assistance in ensuring these records are furnished as quickly as possible. Accordingly, we respectfully request that the Court endorse the enclosed subpoenas directed to: Brookdale University Hospital and Kings County Hospital. Should the Court grant this request, defendants will send a messenger to retrieve the endorsed subpoenas upon notification if the Court is amenable to same. Further, an adjournment of the settlement conference is requested until the requested medical records are provided. Therefore, we ask for a 30 day adjournment of the settlement conference, for defendants to obtain and review the documents and formulate their

settlement position and also provide copies to plaintiff who has not received copies of the medical records either.

In view of the foregoing, it is respectfully requested that the Court grant the within request for a 30 day adjournment of the Settlement Conference currently scheduled for January 11, 2011, at 10:00 a.m. to a date and time convenient to the Court.

Thank you for your consideration in this regard.

Respectfully submitted,

/s/

Meghan A. Cavalieri
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Via ECF
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